



REPORTING OF THE RECORD TASK FORCE

Meeting Minutes

June 26 – 28, 2002

Administrative Office of the Courts

455 Golden Gate Avenue, San Francisco, California

TASK FORCE MEMBERS PRESENT:

Hon. James A. Ardaiz, Chair, Administrative Presiding
Justice of the Court of Appeal, Fifth Appellate District
Hon. S. William Abel, Presiding Judge, Superior Court
of Colusa County
Ms. Maura Baldocchi, CSR, Official Court Reporter,
Superior Court of San Francisco County
Mr. Ron D. Barrow, Clerk of the Court, Court of
Appeal, First Appellate District
Mr. Gary M. Cramer, CSR, Official Court Reporter,
Superior Court of Los Angeles County
Hon. John S. Einhorn, Assistant Presiding Judge,
Superior Court of San Diego County
Mr. Edward J. Horowitz, Esq., Edward J. Horowitz, A
Professional Corp.
Ms. Barbara J. Lane, CSR, Supervisor, Court Reporters,
Superior Court of Riverside County
Mr. Len LeTellier, Executive Officer, Superior Court of
Sutter County
Mr. Gary Evan McCurdy, Esq., Assistant Director,
Central California Appellate Program
Ms. Jeanne Millsaps, Executive Officer, Superior Court
of San Joaquin County
Mr. Gordon Park-Li, Executive Officer, Superior Court
of San Francisco County
Ms. Kary Parker, CSR, Official Court Reporter, Superior
Court of Orange County
Mr. Tom Pringle, CSR, Official Court Reporter,
Superior Court of Shasta County
Mr. Paul J. Runyon, Administrator, Litigation Support,
Superior Court of Los Angeles County
Mr. Alan Slater, Chief Executive Officer, Superior Court
of Orange County
Ms. Fiel D. Tigno, Esq., Supervising Deputy Attorney
General, Office of the Attorney General Department of
Justice

TASK FORCE MEMBERS ABSENT:

None

TASK FORCE LIAISON:

Ms. Julie R. Peak, CSR, Chair, Court Reporters Board of
California **(Present)**

PRESENTERS:

None

GUESTS:

None

FACILITATOR:

Ms. Sharon Maher, Maher & Company **(Present)**

AOC STAFF PRESENT:

Ms. Pat Sweeten, Director, Executive Office Programs
Division
Ms. Christine E. Patton, Regional Director, Bay
Area/Northern Coastal Region
Ms. Claudia Ortega, Lead Staff and Court Services
Analyst, Executive Office Programs Division
Ms. Emily Flynn, Attorney, Office of the General
Counsel
Mr. Martin Riley, Governmental Affairs Analyst, Office
of Governmental Affairs
Mr. Dag MacLeod, Senior Research Analyst, Executive
Office Programs Division
Ms. Jorja Jackson, Law Clerk, Executive Office
Programs Division
Ms. Theresa Sudo, Senior Administrative Coordinator,
Executive Office Programs Division

AOC STAFF ABSENT:

None

Meeting Minutes

Wednesday, June 26, 2002

Item 1 Opening Remarks

Administrative Presiding Justice James A. Ardaiz, Chair of the Reporting of the Record Task Force, called the meeting to order at 1:05 p.m. He initiated the meeting by introducing himself and welcoming the membership to the first task force business meeting. He stated that the members' selection to the task force was based on a careful and specific screening process focusing on the candidates' background, experience, and unique insight into the issues that will be addressed. He explained that this task force will address many issues with statewide ramifications, which will cut across numerous aspects of the judicial system.

Item 2 Introductions

Justice Ardaiz briefly introduced the staff of the Administrative Office of the Courts (AOC) who will be responsible for assisting the task force during its term. The following persons will staff the task force on an ongoing basis: Ms. Pat Sweeten; Ms. Christine E. Patton; Ms. Claudia Ortega; Ms. Emily Flynn; and Mr. Martin Riley. Ms. Theresa Sudo will provide secretarial services for the next two meetings.

Justice Ardaiz also introduced the facilitator to the task force, Ms. Sharon Maher of Maher & Company. Justice Ardaiz informed the task force of Ms. Maher's extensive background in improving business processes, building effective teams, and assisting in strategic change. Justice Ardaiz explained that the AOC has contracted with Ms. Maher to provide facilitation services to the task force and that she is not an AOC employee.

Members of the task force introduced themselves by sharing their names, affiliations, and areas of expertise.

Justice Ardaiz broadly addressed the future functioning of the task force. He stated that discussion and decision-making processes will be orderly, efficient, and open. He emphasized that although individual members will eventually disagree on certain issues, he is confident that these issues will be dealt with in a way that will aid the task force in fulfilling its charge. Justice Ardaiz asked that members make every effort to attend each meeting and arrive on time so that their viewpoint is not lost in a particular discussion and so that the meetings can start promptly.

Item 3 Welcoming Remarks

Justice Ardaiz announced that Mr. Ronald G. Overholt, Chief Deputy Director of the AOC, would not be able to address the task force that day as he had to attend to pressing matters in Sacramento.

Item 4 Icebreaker

Justice Ardaiz stated that the purpose of the icebreaker was to help the task force members to begin developing a professional rapport. Ms. Maher conducted an icebreaker focusing on communication skills with the entire task force's participation.

Item 5 Rationale for Creation of the Task Force

Ms. Christine E. Patton, Regional Director of the AOC's Bay Area/Northern Coastal Regional Office, provided a history of the Judicial Council's involvement in court reporting issues. She also explained that the Court Reporting Subcommittee of the Trial Court Presiding Judges and Court Executives Advisory Committees addressed such issues for several years. Ms. Patton was the chair of this subcommittee. Numerous matters requiring examination at a statewide level were consistently being forwarded to the subcommittee. In 2001, the subcommittee members decided that a more professionally diverse group with greater authority and resources would be better equipped to successfully resolve such issues. The subcommittee recommended that a task force be created to address these matters. The Executive Office of the AOC and Chief Justice Ronald M. George agreed that such a task force would benefit the California judicial system and granted permission to create the Reporting of the Record Task Force.

Item 6 Role of the Task Force in Relation to the Judicial Council

Justice Ardaiz articulated the role of the task force. He asked that the members recognize that they are here because they are leaders within their profession and therefore possess a valuable perspective. Together, the members will develop new policies for the California judiciary - the largest judicial system in the world. Justice Ardaiz stated that California is on the cutting edge in terms of judicial operations and that in order for it to survive with such a ponderous system, it has to remain on the cutting edge. He emphasized that the task force is embarking on a complicated process that requires it to look at facts objectively, arrive at a consensus regarding the facts' implications, and then make well-informed policy decisions. To this end, the task force will utilize a structured approach in which each member has an equal voice. He also emphasized that while each member represents a constituency, he expects each member to actively contribute his or her personal knowledge to the task force's decision-making process.

Justice Ardaiz envisions that the task force will begin its charge by examining reporting of the record from a very broad perspective. He suggested that the task force begin from a standpoint of building a new system from the bottom up.

Justice Ardaiz briefly summarized the annotated charge.

Justice Ardaiz explained that the task force will create an interim report that will be distributed for public comment. The interim report with commentary will then be presented to the Judicial Council. The report will consist of a comprehensive evaluation of court reporting practices in California and the task force's in-depth recommendations. When the council receives this report, it will expect that the task force has produced the most reliable and accurate report possible. It is essential that the council view this report as credible. Justice Ardaiz stated that he is confident that the interim and final reports will offer enduring reliability to the council. Once all comments have been incorporated into the interim report, the final report will be submitted to the council for its final review and approval. Once approved by the council, the reports' recommendations will be drafted into legislative language and then presented to the Legislature as a bill.

Item 7 Role of the Task Force Staff and their Respective Divisions

The primary and ongoing staff to the task force introduced themselves, provided a brief professional history, and described the AOC division in which they work. Ms. Pat Sweeten, Director, Executive Office Programs Division, will act as a senior advisor to the task force. Ms. Christine Patton, Regional Director of the Bay Area/Northern Coastal Region, will also act as a senior advisor. Ms. Claudia Ortega, Court Services Analyst, Executive Office Programs Division, is lead staff to the task force. Ms. Emily Flynn, Attorney, Office of the General Counsel, will provide legal advice and services to the task force. Mr. Martin Riley, Governmental Affairs Analyst, Office of Governmental Affairs, will provide advice on legislative matters and guide the task force's eventual legislative bill through the Legislature.

Mr. Dag MacLeod and Ms. Jorja Jackson will provide temporary support as needed to the task force. Mr. MacLeod, Senior Research Analyst, Executive Office Programs Division, will assist the task force in the development of surveys and any other methods of collecting data. Ms. Jackson is a summer law clerk accumulating research on matters related to reporting of the record.

Item 8 Role of the Facilitator

Ms. Maher described her role as assisting the task force with the development of its working relationships and decision-making processes.

Item 9 Ground Rules

Because the task force moved quickly through its agenda for this day, Justice Ardaiz decided to move onto the next day's subject matter of ground rules.

Ms. Maher explained that there are four major purposes of a meeting:

- To disperse information
- To collect information
- To problem solve
- To decide

Using a document that identified key elements of the meeting process and decision-making, the task force began to discuss potential ground rules. This discussion was continued to the next day.

Item 10 Other Business/Adjournment

With no further business, Justice Ardaiz adjourned the meeting at 5:00 p.m.

Meeting Minutes Thursday, June 27, 2002

Item 1 Recap of the Previous Day's Events

Justice Ardaiz called the meeting to order at 8:35 a.m. and briefly recapped the previous day's discussions.

Item 2 Overview of the Day's Agenda

Justice Ardaiz provided an overview of the day's agenda. He also stated that all of the task force meetings were open to the public. The agendas for future meetings will include a time for public comment on each meeting day. He also explained that a website for the task force would be developed and that it would provide meeting information.

The task force then began to discuss the policy for distributing task force documents to the public. The task force decided that meeting binders would not be made available to the public because doing so would be expensive and because the meeting materials will contain working documents. The task force also decided that working documents and the task force roster would not be made available to the public. Staff will ensure that copies of non-working documents are available to the public at future meetings.

Item 3 Welcoming Remarks by Mr. William C. Vickrey and Mr. Ronald G. Overholt

Mr. William C. Vickrey, Administrative Director of the Courts, welcomed the task force members and congratulated them on their appointment. He thanked the members for devoting their time, expertise, and leadership to this effort. He stated that with the best minds and experience involved in this process, he is hopeful that a comprehensive recommendation will be reached and supported by broad consensus.

Mr. Ronald G. Overholt, Chief Deputy Director, echoed his appreciation to the membership for accepting this responsibility and congratulated them on their appointment.

Item 4 Welcoming Remarks by Chief Justice Ronald M. George

Chief Justice Ronald M. George, Chair of the Judicial Council, thanked the task force members for their commitment to fulfill such a challenging and important charge. The Chief Justice emphasized that the physical record is an essential tool in the administration of justice, and that its accuracy and availability are absolutely necessary in order to allow the judicial process to unfold. He outlined how the task force's charge fits within the council's strategic plan, *Leading Justice Into the Future*. He concluded by again expressing the council's appreciation for the members' contributions to this process.

Item 5 Ground Rules (*Handout*)

Using a document that identified key aspects of the meeting process and behavior norms, the task force established ground rules to guide them at each future meeting.

Item 6 Does the Adversarial System Require Some Memorialization? If so, why? (*Handout*)

Ms. Maher divided the task force into three discussion groups. Each group was given a handout with discussion questions. After developing their answers, the discussion groups reported back to the task force as a whole.

Item 7 What is the Record? (*Handout*)

The task force again worked through discussion questions in three small groups and then reported back to the whole. As a whole, the task force began to define what is meant by "the record". This discussion was continued for the next day.

Item 8 Other Business/Adjournment

With no further business, Justice Ardaiz adjourned the meeting at 5:15 p.m.

Meeting Minutes Friday, June 28, 2002

Item 1 Recap of the Previous Day's Events

Justice Ardaiz called the meeting to order at 8:35 a.m. He discussed the importance of complying with the ground rules established during the previous day's discussion. He observed that the task force has developed various working concepts, which will function as a basis for future decision-making. He assured the members that they could make modifications to their working definitions in the future if the need to do so arises.

Item 2 Overview of the Day's Agenda

Justice Ardaiz explained that the task force would again break into small discussion groups to ascertain the users of the record and their concerns.

Item 3 Users or Customers of the Record (*Handout*)

Using discussion questions, small groups of the task force identified users of the record and their concerns. The small discussion groups then reported back to the task force as a whole. Using these concerns and the previously identified qualities of a record, the task force began to develop a definition of the record. Because time did not permit completion of this discussion, Justice Ardaiz stated that this subject would be continued at the next meeting.

Item 4 Recap of the Last Three Days' Events and Discussions

Justice Ardaiz thanked the task force for its active participation and collaborative thinking in developing the various concepts of the last two days.

Item 5 Future Meeting Dates

The task force agreed that the next three meeting dates are:

- August 21-23, 2002
- October 16-18, 2002
- December 4-6, 2002

The locations will be announced once the staff has determined the specific locations and secured the necessary meeting-related contracts.

Item 6 Other Business/Adjournment

With no further business, Justice Ardaiz adjourned the meeting at 12:30 p.m.